

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RANDY CONK,

Plaintiff,

vs.

ROBERT AYERS, et al.,

Defendants.

No. C 08-1180 JSW (PR)

**ORDER OF DISMISSAL;
DENYING APPLICATION
FOR LEAVE TO PROCEED
IN FORMA PAUPERIS**

(Docket No. 3)

Plaintiff, a California prisoner proceeding pro se, filed the above-titled civil rights action on February 27, 2008. That same date, the Court notified Plaintiff in writing that the action was deficient due to his failure to pay the requisite filing fee or, instead, submit a completed court-approved in forma pauperis (“IFP”) application. Plaintiff was advised that his failure to pay the filing fee within thirty days or, alternatively, to file a completed IFP application, including a trust account statement showing transactions for the preceding six months and a certificate of funds form signed by an institution official, would result in dismissal of the action. Along with said notice, Plaintiff was sent a copy of the Court’s IFP application, instructions for completing it, and a return envelope. On March 27, 2008, the Court received an IFP application from Plaintiff, but not a trust account statement or a completed and signed certificate of funds form, contrary to the Court’s instructions.

As more than thirty days have passed since the deficiency notice and plaintiff has not completed the IFP application or paid the filing fee, the above-titled action is hereby **DISMISSED** without prejudice.¹

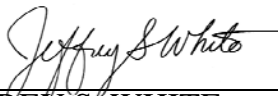
¹Plaintiff also indicates in his complaint that he has not exhausted his administrative remedies. If Plaintiff chooses to pursue his claims in a new civil action in federal court, he must first pursue all available administrative remedies with respect to each of his claims.

1 The incomplete application to proceed in forma pauperis is hereby DENIED. The
2 Clerk shall enter judgment and close the file.

3 This order terminates Docket No. 3.

4 IT IS SO ORDERED.

5 DATED: May 8, 2008

6 
7 _____
JEFFREY S. WHITE
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

RANDY CONK,

Plaintiff,

v.

ROBERT AYERS et al,

Defendant.

Case Number: CV08-01180 JSW

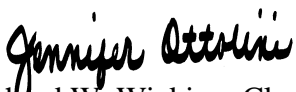
CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on May 8, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Randy Conk
F73645
San Quentin State Prison
San Quentin, CA 94974

Dated: May 8, 2008


Richard W. Wieking, Clerk
By: Jennifer Ottolini, Deputy Clerk